

# **ATTACHMENT 7**

**From:** [Bernick, Daniel](#)  
**To:** [Mendelson, Evan](#); [Chaudhry, Sana](#); [Flahive Wu, Laura](#); [Jerjian, Olivia](#); [Nardini, Thomas](#); [MacDonald, Colin](#); [Hoffman, Elena](#); [Frech, Jacob](#); [Zwonik, Ryan](#); [Awad, Yara](#); [Mejia-Portillo, Johana](#)  
**Cc:** [Kim, Laura](#); [Graubert, John](#); [Anthony, Stephen](#); [Hall, John](#); [Rodgers, Megan](#); [Rippey, Edward](#); [Kelly, Kevin](#); [Capuano, Marc](#); [jhueston@hueston.com](#); [mkaba@hueston.com](#); [jreiter@hueston.com](#); [Payson, Kenneth](#); [Howard, Jim](#); [SEA Docket](#)  
**Subject:** RE: FTC v. Amazon - Data Sample  
**Date:** Tuesday, March 26, 2024 11:55:40 AM  
**Attachments:** [image001.png](#)

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Counsel,

Please let us know if you are available on Tuesday, April 2, anytime before 1:00 PM ET.

Best,  
Dan

## Dan Bernick

Pronouns: He/Him/His

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**From:** Mendelson, Evan <[emendelson@ftc.gov](mailto:emendelson@ftc.gov)>  
**Sent:** Monday, March 25, 2024 12:34 PM  
**To:** Bernick, Daniel <[DBernick@cov.com](mailto:DBernick@cov.com)>; Chaudhry, Sana <[schaudhry@ftc.gov](mailto:schaudhry@ftc.gov)>; Flahive Wu, Laura <[lflahivewu@cov.com](mailto:lflahivewu@cov.com)>; Jerjian, Olivia <[ojerjian@ftc.gov](mailto:ojerjian@ftc.gov)>; Nardini, Thomas <[tnardini@ftc.gov](mailto:tnardini@ftc.gov)>; MacDonald, Colin <[cmacdonald@ftc.gov](mailto:cmacdonald@ftc.gov)>; Hoffman, Elena <[ehoffman@ftc.gov](mailto:ehoffman@ftc.gov)>; Frech, Jacob <[jfrech@ftc.gov](mailto:jfrech@ftc.gov)>; Zwonik, Ryan <[rzwonik@ftc.gov](mailto:rzwonik@ftc.gov)>; Awad, Yara <[yawad@ftc.gov](mailto:yawad@ftc.gov)>; Mejia-Portillo, Johana <[jmejiaportillo@ftc.gov](mailto:jmejiaportillo@ftc.gov)>  
**Cc:** Kim, Laura <[LKim@cov.com](mailto:LKim@cov.com)>; Graubert, John <[jgraubert@cov.com](mailto:jgraubert@cov.com)>; Anthony, Stephen <[santhony@cov.com](mailto:santhony@cov.com)>; Hall, John <[jhall@cov.com](mailto:jhall@cov.com)>; Rodgers, Megan <[mrodgers@cov.com](mailto:mrodgers@cov.com)>; Rippey, Edward <[erippey@cov.com](mailto:erippey@cov.com)>; Kelly, Kevin <[Kkelly@cov.com](mailto:Kkelly@cov.com)>; Capuano, Marc <[MCapuano@cov.com](mailto:MCapuano@cov.com)>; [jhueston@hueston.com](mailto:jhueston@hueston.com); [mkaba@hueston.com](mailto:mkaba@hueston.com); [jreiter@hueston.com](mailto:jreiter@hueston.com); Payson, Kenneth <[KennethPayson@dwt.com](mailto:KennethPayson@dwt.com)>; Howard, Jim <[JimHoward@dwt.com](mailto:JimHoward@dwt.com)>; SEA Docket <[SEADocket@dwt.com](mailto:SEADocket@dwt.com)>  
**Subject:** RE: FTC v. Amazon - Data Sample

**[EXTERNAL]**

Counsel,

We need additional information about the data to provide our position on the production-related

questions raised in your March 22 letter. We propose to confer on a call and are available this week (except on Tuesday between 12-3pm and Friday). If you are unavailable this week, we can join a call on 4/1 between 10am-5pm.

Please let us know what date/time works for you. On the call, please be prepared to discuss (1) the anticipated total size (i.e., in terabytes) of the complete data set, without sampling; (2) the logistics of an AWS S3 transfer from Amazon to the FTC; and (3) the extent to which Amazon contends that the data referenced in Nos. 1-9 of your March 22 letter does not exist or cannot be obtained without undue burden after a reasonable search. On the last point, we are trying to understand whether there is any responsive data that Amazon is refusing to produce and, if so, what Amazon's basis is for the burden claim.

Thanks,  
Evan

Evan M. Mendelson  
Federal Trade Commission  
Bureau of Consumer Protection  
Enforcement Division  
600 Pennsylvania Avenue, NW, CC-9528  
Washington, DC 20580  
Phone: (202) 326-3320  
Fax: (202) 326-3197

---

**From:** Bernick, Daniel <[DBernick@cov.com](mailto:DBernick@cov.com)>

**Sent:** Friday, March 22, 2024 5:48 PM

**To:** Chaudhry, Sana <[schaudhry@ftc.gov](mailto:schaudhry@ftc.gov)>; Flahive Wu, Laura <[lflahivewu@cov.com](mailto:lflahivewu@cov.com)>; Mendelson, Evan <[emendelson@ftc.gov](mailto:emendelson@ftc.gov)>; Jerjian, Olivia <[ojerjian@ftc.gov](mailto:ojerjian@ftc.gov)>; Nardini, Thomas <[tnardini@ftc.gov](mailto:tnardini@ftc.gov)>; MacDonald, Colin <[cmacdonald@ftc.gov](mailto:cmacdonald@ftc.gov)>; Hoffman, Elena <[ehoffman@ftc.gov](mailto:ehoffman@ftc.gov)>; Frech, Jacob <[jifrech@ftc.gov](mailto:jifrech@ftc.gov)>; Zwonik, Ryan <[rzwonik@ftc.gov](mailto:rzwonik@ftc.gov)>; Awad, Yara <[yawad@ftc.gov](mailto:yawad@ftc.gov)>; Mejia-Portillo, Johana <[jmejiaportillo@ftc.gov](mailto:jmejiaportillo@ftc.gov)>

**Cc:** Kim, Laura <[LKim@cov.com](mailto:LKim@cov.com)>; Graubert, John <[jgraubert@cov.com](mailto:jgraubert@cov.com)>; Anthony, Stephen <[santhony@cov.com](mailto:santhony@cov.com)>; Hall, John <[jhall@cov.com](mailto:jhall@cov.com)>; Rodgers, Megan <[mrodgers@cov.com](mailto:mrodgers@cov.com)>; Rippey, Edward <[erippey@cov.com](mailto:erippey@cov.com)>; Kelly, Kevin <[Kkelly@cov.com](mailto:Kkelly@cov.com)>; Capuano, Marc <[MCapuano@cov.com](mailto:MCapuano@cov.com)>; [jhueston@hueston.com](mailto:jhueston@hueston.com); [mkaba@hueston.com](mailto:mkaba@hueston.com); [jreiter@hueston.com](mailto:jreiter@hueston.com); Payson, Kenneth <[KennethPayson@dwt.com](mailto:KennethPayson@dwt.com)>; Howard, Jim <[JimHoward@dwt.com](mailto:JimHoward@dwt.com)>; SEA Docket <[SEADocket@dwt.com](mailto:SEADocket@dwt.com)>

**Subject:** RE: FTC v. Amazon - Data Sample

Counsel,

Please see the attached correspondence.

Best,  
Dan

**Dan Bernick**

Pronouns: He/Him/His

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**From:** Chaudhry, Sana <[schaudhry@ftc.gov](mailto:schaudhry@ftc.gov)>

**Sent:** Thursday, February 15, 2024 5:05 PM

**To:** Flahive Wu, Laura <[lflahivewu@cov.com](mailto:lflahivewu@cov.com)>; Mendelson, Evan <[emendelson@ftc.gov](mailto:emendelson@ftc.gov)>; Bernick, Daniel <[DBernick@cov.com](mailto:DBernick@cov.com)>; Jerjian, Olivia <[ojerjian@ftc.gov](mailto:ojerjian@ftc.gov)>; Nardini, Thomas <[tnardini@ftc.gov](mailto:tnardini@ftc.gov)>; MacDonald, Colin <[cmacdonald@ftc.gov](mailto:cmacdonald@ftc.gov)>; Hoffman, Elena <[ehoffman@ftc.gov](mailto:ehoffman@ftc.gov)>; Frech, Jacob <[jfrech@ftc.gov](mailto:jfrech@ftc.gov)>; Zwonik, Ryan <[rzwonik@ftc.gov](mailto:rzwonik@ftc.gov)>; Awad, Yara <[yawad@ftc.gov](mailto:yawad@ftc.gov)>; Mejia-Portillo, Johana <[jmejiaportillo@ftc.gov](mailto:jmejiaportillo@ftc.gov)>

**Cc:** Kim, Laura <[LKim@cov.com](mailto:LKim@cov.com)>; Graubert, John <[jgraubert@cov.com](mailto:jgraubert@cov.com)>; Anthony, Stephen <[santhony@cov.com](mailto:santhony@cov.com)>; Hall, John <[jhall@cov.com](mailto:jhall@cov.com)>; Rodgers, Megan <[mrodgers@cov.com](mailto:mrodgers@cov.com)>; Rippey, Edward <[erippey@cov.com](mailto:erippey@cov.com)>; Kelly, Kevin <[Kkelly@cov.com](mailto:Kkelly@cov.com)>; Capuano, Marc <[MCapuano@cov.com](mailto:MCapuano@cov.com)>; [jhueston@hueston.com](mailto:jhueston@hueston.com); [mkaba@hueston.com](mailto:mkaba@hueston.com); [jreiter@hueston.com](mailto:jreiter@hueston.com); Payson, Kenneth <[KennethPayson@dwt.com](mailto:KennethPayson@dwt.com)>; Howard, Jim <[JimHoward@dwt.com](mailto:JimHoward@dwt.com)>; SEA Docket <[SEADocket@dwt.com](mailto:SEADocket@dwt.com)>

**Subject:** RE: FTC v. Amazon - Data Sample

**[EXTERNAL]**

Counsel,

Please see the attached correspondence.

Best regards,  
Sana

Sana Chaudhry  
Bureau of Consumer Protection  
Federal Trade Commission  
600 Pennsylvania Avenue, NW, CC-9528  
Washington, DC 20580  
Phone: (202) 326-2679

---

**From:** Flahive Wu, Laura <[lflahivewu@cov.com](mailto:lflahivewu@cov.com)>

**Sent:** Thursday, February 1, 2024 3:23 PM

**To:** Mendelson, Evan <[emendelson@ftc.gov](mailto:emendelson@ftc.gov)>; Bernick, Daniel <[DBernick@cov.com](mailto:DBernick@cov.com)>; Jerjian, Olivia <[ojerjian@ftc.gov](mailto:ojerjian@ftc.gov)>; Nardini, Thomas <[tnardini@ftc.gov](mailto:tnardini@ftc.gov)>; MacDonald, Colin <[cmacdonald@ftc.gov](mailto:cmacdonald@ftc.gov)>;

Hoffman, Elena <[ehoffman@ftc.gov](mailto:ehoffman@ftc.gov)>; Frech, Jacob <[jfrech@ftc.gov](mailto:jfrech@ftc.gov)>; Zwonik, Ryan <[rzwonik@ftc.gov](mailto:rzwonik@ftc.gov)>; Awad, Yara <[yawad@ftc.gov](mailto:yawad@ftc.gov)>; Mejia-Portillo, Johana <[jmejiaportillo@ftc.gov](mailto:jmejiaportillo@ftc.gov)>  
**Cc:** Kim, Laura <[LKim@cov.com](mailto:LKim@cov.com)>; Graubert, John <[jgraubert@cov.com](mailto:jgraubert@cov.com)>; Anthony, Stephen <[santhony@cov.com](mailto:santhony@cov.com)>; Hall, John <[jhall@cov.com](mailto:jhall@cov.com)>; Rodgers, Megan <[mrodgers@cov.com](mailto:mrodgers@cov.com)>; Rippey, Edward <[erippey@cov.com](mailto:erippey@cov.com)>; Kelly, Kevin <[Kkelly@cov.com](mailto:Kkelly@cov.com)>; Capuano, Marc <[MCapuano@cov.com](mailto:MCapuano@cov.com)>; [jhueston@hueston.com](mailto:jhueston@hueston.com); [mkaba@hueston.com](mailto:mkaba@hueston.com); [jreiter@hueston.com](mailto:jreiter@hueston.com);  
Payson, Kenneth <[KennethPayson@dwt.com](mailto:KennethPayson@dwt.com)>; Howard, Jim <[JimHoward@dwt.com](mailto:JimHoward@dwt.com)>; SEA Docket <[SEADocket@dwt.com](mailto:SEADocket@dwt.com)>; Chaudhry, Sana <[schaudhry@ftc.gov](mailto:schaudhry@ftc.gov)>  
**Subject:** RE: FTC v. Amazon - Data Sample

Counsel,

We are available to confer about the data sample on Thursday, February 8 at any point between 9:30 am ET and 1:00 pm ET. Please let us know if you are available during that window.

Regards,

Laura

**Laura Flahive Wu**

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**From:** Mendelson, Evan <[emendelson@ftc.gov](mailto:emendelson@ftc.gov)>  
**Sent:** Tuesday, January 30, 2024 10:43 AM  
**To:** Bernick, Daniel <[DBernick@cov.com](mailto:DBernick@cov.com)>; Jerjian, Olivia <[ojerjian@ftc.gov](mailto:ojerjian@ftc.gov)>; Nardini, Thomas <[tnardini@ftc.gov](mailto:tnardini@ftc.gov)>; MacDonald, Colin <[cmacdonald@ftc.gov](mailto:cmacdonald@ftc.gov)>; Hoffman, Elena <[ehoffman@ftc.gov](mailto:ehoffman@ftc.gov)>; Frech, Jacob <[jfrech@ftc.gov](mailto:jfrech@ftc.gov)>; Zwonik, Ryan <[rzwonik@ftc.gov](mailto:rzwonik@ftc.gov)>; Awad, Yara <[yawad@ftc.gov](mailto:yawad@ftc.gov)>; Mejia-Portillo, Johana <[jmejiaportillo@ftc.gov](mailto:jmejiaportillo@ftc.gov)>  
**Cc:** Flahive Wu, Laura <[lflahivewu@cov.com](mailto:lflahivewu@cov.com)>; Kim, Laura <[LKim@cov.com](mailto:LKim@cov.com)>; Graubert, John <[jgraubert@cov.com](mailto:jgraubert@cov.com)>; Anthony, Stephen <[santhony@cov.com](mailto:santhony@cov.com)>; Hall, John <[jhall@cov.com](mailto:jhall@cov.com)>; Rodgers, Megan <[mrodgers@cov.com](mailto:mrodgers@cov.com)>; Rippey, Edward <[erippey@cov.com](mailto:erippey@cov.com)>; Kelly, Kevin <[Kkelly@cov.com](mailto:Kkelly@cov.com)>; Capuano, Marc <[MCapuano@cov.com](mailto:MCapuano@cov.com)>; [jhueston@hueston.com](mailto:jhueston@hueston.com); [mkaba@hueston.com](mailto:mkaba@hueston.com); [jreiter@hueston.com](mailto:jreiter@hueston.com); Payson, Kenneth <[KennethPayson@dwt.com](mailto:KennethPayson@dwt.com)>; Howard, Jim <[JimHoward@dwt.com](mailto:JimHoward@dwt.com)>; SEA Docket <[SEADocket@dwt.com](mailto:SEADocket@dwt.com)>; Chaudhry, Sana <[schaudhry@ftc.gov](mailto:schaudhry@ftc.gov)>  
**Subject:** RE: FTC v. Amazon - Data Sample

**[EXTERNAL]**

Counsel,

We write regarding the data sample Amazon produced on January 19, 2024 at Exhibit A. We've reviewed the sample and would like to confer on several issues we've identified. In general, we'd like to better understand the scope of the sample and Amazon's position on whether/when it intends to produce the remaining data responsive to the FTC's Document Requests. Here are the general areas we'd like to discuss:

- Data dictionary for certain columns and values;
- Missing or incomplete data (e.g., Document Requests 55.e, 55.h, 55.k, 55.m to 55.p, 55.t, 55.u, 56.d to 56.h, 56.j, 56.k, 56.n to 56.p);
- Document Requests 57, 60, 67, 68, 69, 70, 73
- Timing of complete data production
- Consumer information (e.g., Document Requests 55.a and 56.a);

We note that this is not a comprehensive list of issues but a broad outline to facilitate discussion. Please let us know your availability for a call next Monday (any time) or Tuesday (afternoon) to discuss.

Thanks,

Evan

Evan M. Mendelson  
Federal Trade Commission  
Bureau of Consumer Protection  
Enforcement Division  
600 Pennsylvania Avenue, NW, CC-9528  
Washington, DC 20580  
Phone: (202) 326-3320  
Fax: (202) 326-3197

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**From:** Bernick, Daniel <[DBernick@cov.com](mailto:DBernick@cov.com)>

**Sent:** Friday, January 19, 2024 5:41 PM

**To:** Mendelson, Evan <[emendelson@ftc.gov](mailto:emendelson@ftc.gov)>; Jerjian, Olivia <[ojerjian@ftc.gov](mailto:ojerjian@ftc.gov)>; Nardini, Thomas <[tnardini@ftc.gov](mailto:tnardini@ftc.gov)>; MacDonald, Colin <[cmacdonald@ftc.gov](mailto:cmacdonald@ftc.gov)>; Hoffman, Elena <[ehoffman@ftc.gov](mailto:ehoffman@ftc.gov)>; Frech, Jacob <[jfrech@ftc.gov](mailto:jfrech@ftc.gov)>; Zwonik, Ryan <[rzwonik@ftc.gov](mailto:rzwonik@ftc.gov)>; Awad, Yara <[yawad@ftc.gov](mailto:yawad@ftc.gov)>; Mejia-Portillo, Johana <[jmejiaportillo@ftc.gov](mailto:jmejiaportillo@ftc.gov)>

**Cc:** Flahive Wu, Laura <[lflahivewu@cov.com](mailto:lflahivewu@cov.com)>; Kim, Laura <[LKim@cov.com](mailto:LKim@cov.com)>; Graubert, John <[jgraubert@cov.com](mailto:jgraubert@cov.com)>; Anthony, Stephen <[santhony@cov.com](mailto:santhony@cov.com)>; Hall, John <[jhall@cov.com](mailto:jhall@cov.com)>; Rodgers, Megan <[mrodgers@cov.com](mailto:mrodgers@cov.com)>; Rippey, Edward <[erippey@cov.com](mailto:erippey@cov.com)>; Kelly, Kevin <[Kkelly@cov.com](mailto:Kkelly@cov.com)>; Capuano, Marc <[MCapuano@cov.com](mailto:MCapuano@cov.com)>; Bernick, Daniel <[DBernick@cov.com](mailto:DBernick@cov.com)>; [jhueston@hueston.com](mailto:jhueston@hueston.com); [mkaba@hueston.com](mailto:mkaba@hueston.com); [jreiter@hueston.com](mailto:jreiter@hueston.com); Payson, Kenneth <[KennethPayson@dwt.com](mailto:KennethPayson@dwt.com)>; Howard, Jim <[JimHoward@dwt.com](mailto:JimHoward@dwt.com)>; SEA Docket <[SEADocket@dwt.com](mailto:SEADocket@dwt.com)>

**Subject:** [WARNING : MESSAGE ENCRYPTED] FTC v. Amazon - Data Sample

Counsel,

Please see the attached correspondence and accompanying materials. The password(s) to access the provided material(s) will be shared separately.

Best,  
Dan

**Dan Bernick**

Pronouns: He/Him/His

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